

FILE

08 JAN 17 AM 9:12

Magistrate Docket No.

'08 MJ 0138

COMPLAINT FOR VIOLATION OF: ^{FCU} ^{DEPUTY}

**Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States**

Defendant


Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Felipe VELASQUEZ-Avalos

PROBABLE CAUSE STATEMENT

On January 15, 2008 Supervisory Border Patrol J. Wallace and Border Patrol Agent H. Simpson and were performing anti-smuggling operations in Otay Mesa, California. At approximately 9:00 AM Agents from Chula Vista Border Patrol Station observed several individuals in muddy clothing running north from an area know as the MG lot. This area is approximately one mile east of the Port of Entry at Otay Mesa, California and approximately 30 yards north of the international border with Mexico. Agents called for assistance in apprehending the group.

At approximately 9:30 AM Agents Simpson and Wallace responded and observed five individuals in muddy clothing attempting to conceal themselves under a large truck in the brushy area of a work yard on Marconi Drive. The agents approached the individuals and identified themselves as Border Patrol Agent. The agents then questioned the group as to their immigration status. Each individual, including one later identified as the defendant, **Felipe VELASQUEZ-Avalos**, admitted to being citizens Mexico illegally present in the United States. All subjects were arrested and transported to Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about **January 8, 2008**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.